

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Action ID No. 200200248

March 29, 2002

PUBLIC NOTICE

St. James Plantation, LLC, has applied to the U.S. Army Corps of Engineers for a Department of the Army permit (file No. 200200248) for the construction of two road crossings in a residential subdivision. St. James Plantation is a large residential subdivision located in Lockwood Folly Township, Brunswick County, North Carolina. The subdivision is located on Hwy. 211, northwest of the town Southport.

The applicant's address is St. James Plantation, LLC, c/o John A. Atkinson, Mgr., P.O. Box 10879, Southport, North Carolina 28461. The applicant's agent for processing this application is Land Management Group, Inc., c/o Steve Morrison, P.O. Box 2522, Wilmington, North Carolina 28461.

The following description of the work is taken from data provided by the applicant and from observations made during a site visit by a representative of the Corps of Engineers. The Paladin Tract is an undeveloped 700-acre parcel that is being converted to a residential complex known as the Reserve Subdivision. When complete, the subdivision will be part of the St. James Plantation residential complex. The tract is composed mainly of pine forest communities intermixed with bottomland hardwood forests, shrub wetlands, and streams. The system includes areas of logged and cleared uplands as well as unpaved roads. The site consists of approximately 490 acres of upland communities and 210 acres of wetland communities. The location and scope of the proposed crossings appears in the four accompanying project drawings.

The proposed road crossings will be placed in two un-named tributaries to Beaver Dam Creek. Adjacent uplands consist of a coastal loblolly pine community. Dominant wetland vegetation at the stream banks and adjacent floodplains includes mixed grasses, fetterbush (*Lyonia lucida*), titi (*Cyrilla racemosa*), southern bayberry (*Myrica cerifera*), red bay (*Persea borbonia*), and red maple (*Acer rubrum*). The tree canopies are open at the stream sites.

The road crossings would be culverted to maintain water flow. Jurisdictional wetland fill would total 0.2 acres. Crossing No. 1 would impact .11 acres of stream and bank and crossing No. 2 would impact 0.09 acres of stream and bank.

To offset adverse environmental impacts from the proposed project, the applicant proposes to purchase from the North Carolina Wetlands Restoration Program 1 acre's worth of wetland mitigation credits. The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and has submitted this determination to the North Carolina Division of Coastal Management (NCDCM) for their review and concurrence. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).

b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).

c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.

d. The issuance of an easement to fill or otherwise occupy state-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.

e. The approval of an erosion and sedimentation control plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

The requested Department of the Army permit will be denied if any required state or local authorization and/or certification is denied. Department of the Army permit will not be issued until a state coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the respective agency, with a copy furnished to the Corps of Engineers.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register is the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer is not aware whether the proposed activity will affect species or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts, of the proposed activity and on its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that may be expected to accrue from the proposal must be balanced against its foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore decided by the outcome of the general balancing process. That decision should reflect the national concern for both protection and use of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects of it. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (according to Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer decides that it would be contrary to the public interest to do so.

The Corps of Engineers seeks comments from the public; from state, Federal, and local agencies and officials; and from Indian Tribes or other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to decide whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of Environmental Assessments or Environmental Impact Statements pursuant to the National Environmental Policy Act. Comments are also used to decide the need for a public hearing and to decide the public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives state certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether the proposed activity will comply with Sections 301, 302, 306, and 307 of the Clean Water Act. The application and this public notice for the Department of the Army permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Environmental Operations Section, North Carolina Division of Water Quality (NCDWQ), Salisbury Street, Archdale Building, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons wanting to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650, on or before April 15, 2002, Attention: Mr. John Dorney.

As outlined above, written comments pertinent to the proposed work, will be received in this office, Attention: **Thomas Farrell**, until 4:15 p.m., April 15, 2002 or telephone (910) 251-4466.

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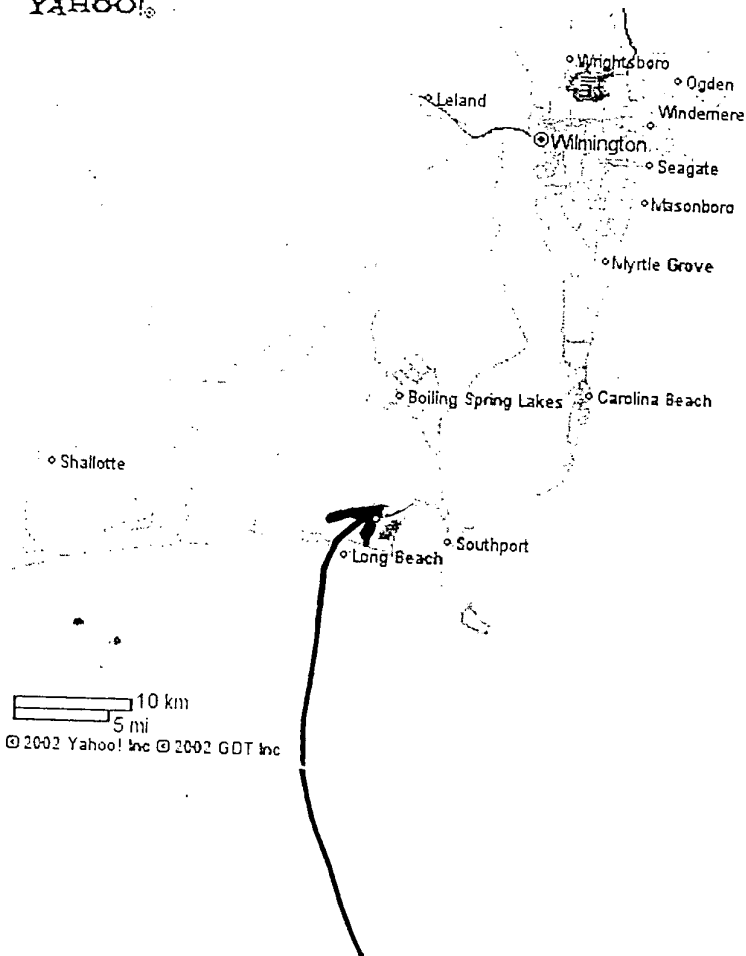
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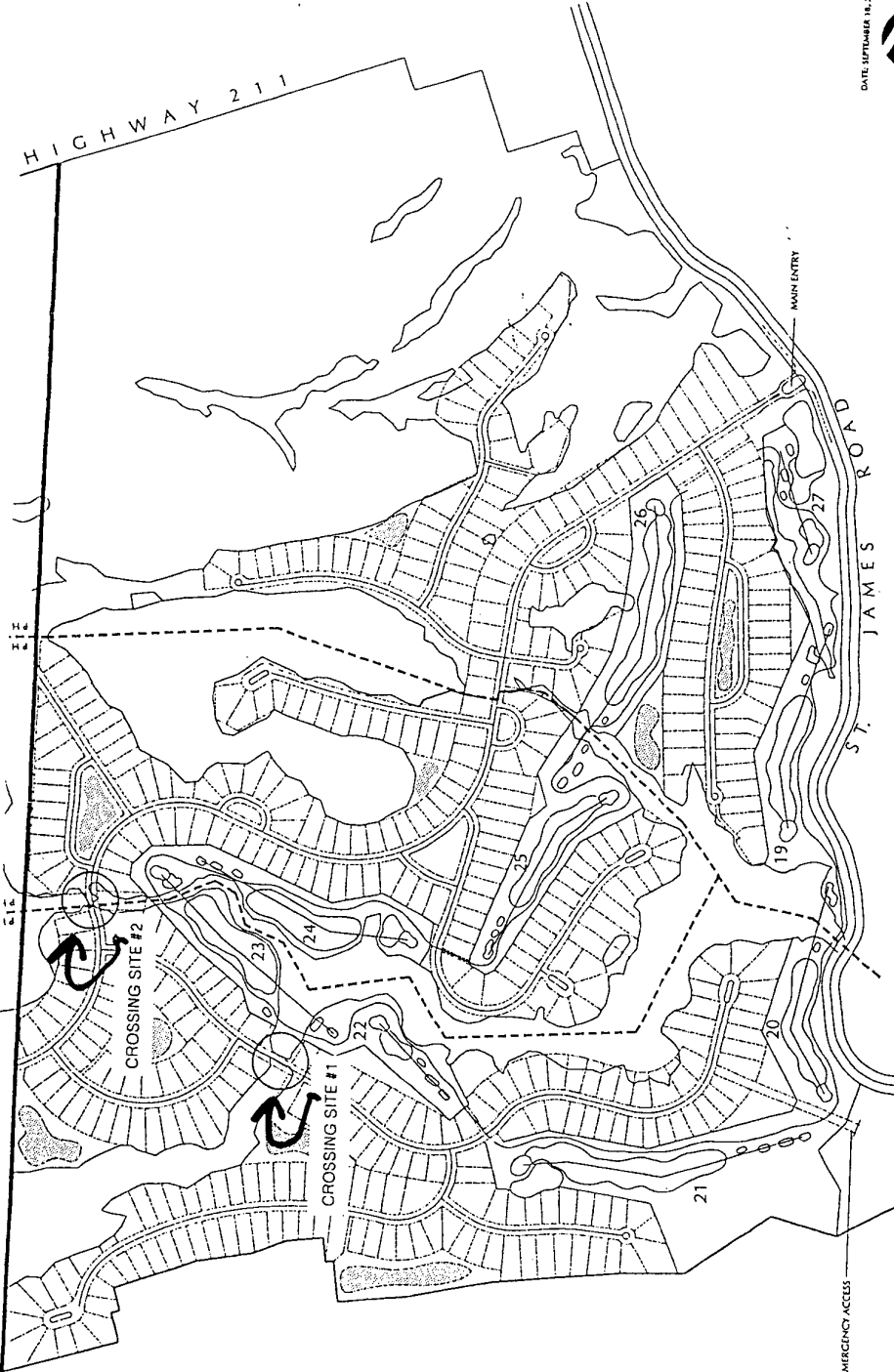
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ST. JAMES PLANTATION

USACE FILE #
200200248

SHEET
1 of 4

HIGHWAY 211



LOT COUNT

PHASE 1	121
PHASE 2	135
PHASE 3	202
TOTAL	458

DATE: SEPTEMBER 14, 2001

SCALE: 1" = 100'

0' 100' 200'

Haden Spaulding, P.A.
PLANNERS AND ARCHITECTS, INC.
1000 Regentway Drive, Suite 100
Farmingdale, New York 11735
PH: 516.751.1011 FAX: 516.751.1010

THE RESERVE @ ST. JAMES PLANTATION PRELIMINARY SITE PLAN

Note: This preliminary site plan for The Reserve at St. James Plantation should be utilized for preliminary purposes only. It is not intended to be a final plan and should not be used for any other purpose without notification.

SHEET 2 of 4 USACE FILE # 200200248

Disturbance Area
.11 AC

Delineated Wetland

Centerline of Road

60' R.O.W.

Crossing #1

USACE FILE # 200200248

SHEET 3 OF 4

Wetland Crossing #1

THE RESERVE @
ST. JAMES PLANTATION
WETLAND CROSSINGS

The Land Management Group Inc.
Environmental Consultants
910.452.0001

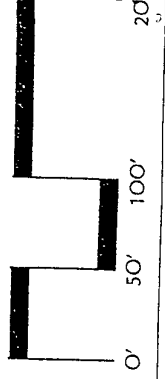
Haden-Stanziale, P.A.
Planners and Landscape Architects
3805 Wrightville Avenue, Suite 18
Wilmington, NC 28403
Ph: 910.791.8383 Fax: 910.791.9938
www.hadenstanziale.com

NOVEMBER 6, 2001



NORTH

SCALE: 1"=100'



Crossing #2

60' R. O. W.

Centerline of Road

Disturbance Area
.06 AC

Disturbance Area
.02 AC

Disturbance Area
.01 AC

Delineated Wetland

USACE File # 200200248

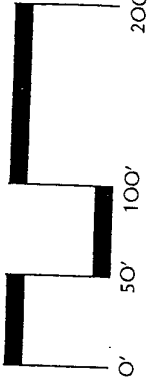
Sheet 4 of 4

NOVEMBER 6, 2001



NORTH

SCALE: 1"=100'



Wetland Crossing #2

THE RESERVE @

ST. JAMES PLANTATION

WETLAND CROSSINGS

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